UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,514	10/12/2000	Craig Anthony Farrell	NDG1140	9112

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EXAMINER
KIANERSI, MITRA

ART UNIT	PAPER NUMBER
2143	3

DATE MAILED: 01/29/2004.

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/689,514	FARRELL ET AL.
	Examiner	Art Unit
	mitra kianersi	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _03_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 October 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-26_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 October 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claims 1-26 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by

Arrowsmith et al. (US. Patent No. 6,064,304).

1.   As per claim 1, Arrowsmith et al. teach a method of monitoring a network,
comprising:

-Hosting agent on at least one of a plurality of interconnected network

elements, wherein the agent is configured to gather application data representing a

network-based application for use by the host network element; (corresponds to polling

a network device to request information, such as the number of packets sent on the

network in a given time and the number of errors that occurred, col 1, lines 19-22).

-using the agent, monitoring application traffic between the

application and at least one other network element. (network management servers

which monitor the network, col 4, lines 7-8) and (Fig.2).

2.   As per claim 2, Arrowsmith et al. teach a method, further comprising tracing a

route of the application traffic with the agent. (corresponds to routing of alarms, col 6,

line 55).

3.   As per claim 3, Arrowsmith et al. teach a method, wherein the tracing the route includes identifying a server of the application. (The servers detect errors or faults on the network and send alarm information to the alarm notification manager via links, col 4, lines 8-10).

4.   As per claim 4, Arrowsmith et al. teach a method, wherein the tracing the route includes Identifying a client of the server. (the name which must be used by the user to identify this application when using the Configuration Tool to associate a policy with it, col 11, lines 15-18).

5.   As per claim 5, Arrowsmith et al. teach a method, wherein the tracing the route includes identifying any intermediate network elements along the route between the server and the client. (corresponds to network elements that cannot be directly communicated with (e.g., cables and buildings) can infer their status from the status of the devices connected to or contained within them, col 5, lines 23-26)

6.   As per claim 6, Arrowsmith et al. teach a method, wherein the client is the host network element. (SpectroServer host name, col 6, line16).

7.   As per claim 7, Arrowsmith et al. teach a method, wherein the agent is further configured to identify a relationship between the application and the other network element based on the application traffic. (showing hierarchical relationships between network devices, isolating a network fault, and reviewing statistical information, col 5, lines 11-14).

8.   As per claim 8, Arrowsmith et al. teach a method, wherein the relationship is a client/server relationship. (multiple network management servers, col 2, line 56).

9.   As per claim 9, Arrowsmith et al. teach a method, wherein the relationship is a peer-to-peer relationship. (adjacent models, col 1, line 47)

10.   As per claim 10, Arrowsmith et al. teach a method of monitoring a network, comprising:

-hosting an agent on at least one of a plurality of interconnected network elements; gathering, with said agent, application data representing a network based application for use by the host network element; (corresponds to polling a network device to request information, such as the number of packets sent on the network in a given time and the number of errors that occurred, col 1, lines 19-22).

-using said agent, monitoring application traffic between the application and any other network element having a relationship with the application. (network management servers which monitor the network, col 4, lines 7-8) and (Fig.2).

11.   Claims 11-12 recite the same limitation as claims 2-3. Therefore, they are analyzed and rejected with by the same rationale.

12.   As per claim 13, Arrowsmith et al. teach a method, further comprising reporting the application data and application traffic data to a network management system. (greater control over which alarms get reported to network management applications, Abstract, lines 6-8)

13.   As per claim 14, Arrowsmith et al. teach a method, wherein the network management system is hosted on a different one of the network elements. (one or more network management servers, col 4, lines 6-8) and (Fig.2)

14.   Claims 15, 19-20, and 23 recite the same limitation as claim 5. Therefore, they are analyzed and rejected with by the same rationale.

15.   Claim 16, recites the same limitation as claims 3 and 4. Therefore, it is analyzed and rejected with by the same rationale.

16.   As per claim 17, Arrowsmith et al. teach a method, wherein the route forms a
topology of network elements for the application. (cables, networks, local area networks
and even rooms show up as icons, and which icons indicate the health and
performance characteristics of those elements, col 5, lines 34-37).

17.   As per claim 18, Arrowsmith et al. teach a method, further comprising repeating
the gathering application data and the monitoring application traffic for each
network-based application used by the host network element. (corresponds to polling a
network device to request information, such as the number of packets sent on the
network in a given time and the number of errors that occurred, col 1, lines 19-22).

18.   As per claim 21, Arrowsmith et al. teach a method, of monitoring a network,
comprising:
        -hosting an agent on at least one of a plurality of interconnected network
elements, for autonomously gathering application data with said hosted agent, wherein
the application data represents a network-based application for use by the host network
element; and(corresponds to polling a network device to request information, such as
the number of packets sent on the network in a given time and the number of errors that
occurred, col 1, lines 19-22).
        -using said agent, monitoring application traffic between the application and any
other network element having a relationship to the application. (network management
servers which monitor the network, col 4, lines 7-8).

19.   As per claim 22, Arrowsmith et al. teach an apparatus for monitoring a network,
comprising:
        -an agent being configured to gather application data representing a
network-based application, and further being configured to monitor application traffic
between the application and any network element in the network having a relationship

to the application; (corresponds to polling a network device to request information, such as the number of packets sent on the network in a given time and the number of errors that occurred, col 1, lines 19-22).

-agent hosting means for hosting the agent on one of a plurality of interconnected network elements. (corresponds to polling a network device to request information, such as the number of packets sent on the network in a given time and the number of errors that occurred, col 1, lines 19-22).

20.   As per claim 24, Arrowsmith et al. teach an apparatus wherein the client includes the agent hosting means. (SpectroSERVER host name, col 6, line16).

21.   As per claim 25, Arrowsmith et al. teach an apparatus, wherein the agent is further configured to communicate a report externally from the agent hosting means. (means to ensure consistency of reported alarms across multiple network management applications, col 2, lines 62-63).

22.   As per claim 26, Arrowsmith et al. teach an apparatus, wherein the agent hosting means includes a memory within the hosting network element. (See fig.14)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (703) 305-4650. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-9923.

   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Mira Kianersi
Jan/15/2004

DAVID WILEY
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